




United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUN 03 2014

CIVIL RIGHTS DIRECTIVE 2014-05

To: Bureau Equal Employment Opportunity Officers

From: Sharon D. Eller, Director, Office of Civil Rights 

Subject: Transmittal of Appeal Files to the Equal Employment Opportunity Commission

Please find enclosed new Civil Rights Directive 2014-05, Transmittal of Appeal Files to the Equal Employment Opportunity Commission.

Distribution: Bureau EEO Officers and Complaints Managers, Office of the Secretary EEO
Complaints Manager

Inquiries: Tanisha M. Edmonds, Acting Chief, Employment Complaints and Adjudication
Division, Office of Civil Rights, (202) 208-4016, or Designee

Expiration: When Superseded

CIVIL RIGHTS DIRECTIVE NO. 2014-05

Subject: Transmittal of Appeal Files to the Equal Employment Opportunity Commission

1. Purpose.

In compliance with the authorities listed below, this Directive explains the procedure for transmission of appeal files to the Equal Employment Opportunity Commission (EEOC), Office of Federal Operations (OFO).

2. Authorities.

- a. 29 Code of Federal Regulations (CFR) Part 1614, Federal Sector Equal Employment Opportunity; 29 CFR §1614.403(e) (How to Appeal)
- b. Management Directive (MD) 110: Federal Sector Complaint Processing Manual, Chapter 9, Appeals to the Commission, Part IV. F., Filing the Appeal and Response, Submission of Case File

3. Policy.

It is the policy of the Department of the Interior (DOI), Office of Civil Rights (OCR) that all Bureau Equal Employment Opportunity (EEO) Offices and the Office of the Secretary (OS) EEO Office timely submit all complaint files to the EEOC in accordance with the EEOC's regulations at 29 CFR §1614.403(e) and the MD 110.

4. Scope.

The policy and procedures in this document apply to the OCR, all Bureau EEO Offices and the OS EEO Office.

5. Responsibilities.

- a. The Bureau EEO Offices and the OS EEO Office are responsible for transmitting appeal files to OFO for appeals filed concerning complaints of discrimination being processed by their respective office following issuance of a final action on the complaint by OCR.
- b. The Bureau EEO Offices and the OS EEO Office are responsible for coordinating with the Office of the Solicitor to obtain copies of all documents for transmission to OFO as part of the appeal file, including, but not limited to: all correspondence to and from the EEOC Administrative Judge (AJ), orders from the EEOC AJ, and motions and briefs of the parties.

CRD 2014-05 Transmittal of Appeal Files to the Equal Employment Opportunity Commission

- c. The Bureau EEO Offices and OS EEO Office will utilize the following procedures for transmitting appeal files to OFO upon notification that an appeal was filed:
- i. Upon receipt of an Acknowledgment of Appeal from OFO, the OCR EEO Intake Specialist or OCR Records Manager will scan the Acknowledgment of Appeal and forward an electronic copy of the Acknowledgment of Appeal to the responsible Bureau EEO Officer or OS EEO Complaints Manager within two business days of receipt.
 - ii. The responsible Bureau EEO Officer or OS EEO Complaints Manager must ensure that a bookmarked and word-searchable digital appeal file is forwarded to OFO within thirty (30) calendar days of receipt of the Acknowledgment of Appeal from OFO.
 - iii. The digital appeal file must be transmitted to OFO via the EEOC File Exchange (EFX). In the event the appeal file exceeds fifty-five (55) Megabytes (MB) in length, the transmission must be divided into volumes, each not in excess of 55 MB, per EEOC EFX guidance.
 - iv. The digital appeal file must include all applicable documents from the Agency checklist provided by the EEOC OFO with OFO's Acknowledgment of Appeal as follows:
 - (a) EEO Counselor's Report
 - (b) Notice of Final Interview
 - (c) Formal Complaint
 - (d) Notice of Agency acknowledgement of complaint
 - (e) Partial Dismissal letter/supporting documentation
 - (f) Report of Investigation
 - (g) Settlement Agreement
 - (h) Request to reinstate complaint/specific performance for settlement breach
 - (i) Hearing request/rights/evidence of receipt of hearing rights
 - (j) All documents submitted by the parties to the AJ
 - (k) All notices, rulings and orders submitted by the AJ
 - (l) All Hearing transcripts
 - (m) All Hearing exhibits
 - (n) Administrative Judge's Findings and Conclusions/proof of agency receipt
 - (o) Final Agency Action or Final Agency Decision
 - (p) Evidence of receipt/mailing of Final Agency Action or Final Agency Decision
 - (q) Compensatory Damages Decision/Documentation
 - (r) Attorney Fees Petition/Decision
 - (s) Complete Grievance File (if an appeal from a grievance decision is involved)

- v. The Bureau EEO Office or OS EEO Office must electronically submit a copy of the electronic EFX receipt received after transmitting the appeal file via EFX to the OCR EEO Intake Officer and OCR Records Manager within 1 business day of receipt. In the EFX receipt, the specific documents transmitted must be identified.



Sharon D. Eller

Director, Office of Civil Rights

Distribution: Bureau EEO Officers
Bureau Complaints Managers
Office of the Secretary Complaints Manager

Inquiries: Tanisha Edmonds, Acting Chief, Employment Complaints and Adjudication
Division, Office of Civil Rights, (202) 208-4016, or Designee